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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3
Paper No. 17

FERNANDEZ & ASSOCIATES LLP
1047 EL CAMINO REAL
SUITE 201
MENLO PARK CA 94025

In re Application of	:	DECISION ON PETITION
Dennis Sunga Fernandez	:	TO MAKE APPLICATION
Application No. 09/435504	:	SPECIAL
Filed: November 6, 1999	:	(BIOTECHNOLOGY/SMALL
For: Bioinformatic Transaction Scheme	:	ENTITY STATUS)

This is a decision on your petition submitted on June 5, 2003, under 37 CFR 1.102 (d) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section XII: Special status for applications relating to biotechnology filed by applicants who are small entities.

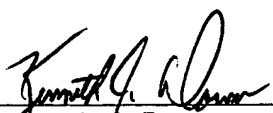
A grantable petition to make an application special under 37 CFR 1.102(d), MPEP 708.02, Section XII, requires a petition with the petition fee under 37 CFR 1.17(h) requesting the special status and must state:

- A. That small entity status has been established or includes a statement establishing small entity status.
- B. That the subject of the patent application is a major asset of the small entity.
- C. That the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement.

The petition filed June 5, 2003 includes all of the requirements above and, therefore, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.



Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866
(703) 605-0586

KJD/ekn 7/22/03